

**CALIFORNIA GAMBLING CONTROL COMMISSION**

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**CALIFORNIA PUBLIC RECORDS ACT GUIDELINES****INTRODUCTION**

These *California Public Records Act Guidelines* contain guidelines for requesting access to inspect and/or obtain copies of public records maintained by the California Gambling Control Commission (Commission).

In enacting the California Public Records Act, the Legislature stated that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state. In 2004, this policy was made part of the Constitution of the State of California. In furtherance of this principal, it is the policy of the state that governmental records shall be disclosed to the public upon request, unless there is a specific reason not to do so.

Generally, all records held by state agencies are public and must be made available to the public promptly upon request. However, the Legislature has recognized the need to balance the public's right to know against competing constitutional rights to privacy and the government's need to perform its functions in a reasonably efficient manner. Consequently, the California Public Records Act contains several exemptions from disclosure and incorporates several other statutes that prohibit state employees from disclosing certain types of public records. The California Public Records Act also establishes reasonable procedures providing for prompt disclosure while allowing state agencies the time to locate records and to determine which records, if any, are exempt from disclosure.

It is the Commission's policy to provide all members of the public convenient access to its records and to promptly make the fullest possible disclosure of its records. Commission staff is available to assist persons requesting records to make focused and effective requests that reasonably describe identifiable records. Some Commission records are exempt from disclosure under the California Public Records Act, the Gambling Control Act (Business and Professions Code sections 19800-19984), and the Tribal-State Gaming Compacts. Therefore, whether a request to review records is made in person, by mail, or by other means, it may be necessary for staff to review the requested records to determine whether those exemptions apply before the records can be made available for viewing or copies can be provided.

## **HOW TO REQUEST ACCESS TO A PUBLIC RECORD**

Written requests to inspect or to obtain a copy of a public record should be addressed to: **California Gambling Control Commission, 2399 Gateway Oaks Drive, Sacramento, CA 95833-4231, Attention Public Records Coordinator**, or by **Facsimile to 916-263-0499**. The written request need not be in any particular form, but should sufficiently describe the requested records to enable Commission staff to identify and locate the records sought. The request should include a telephone number where the person requesting the record can be reached to discuss the request.

If you wish to make a public records request in person, you may appear in person at the Commission office and do so. It will help our staff to better help you if you would first contact our **Public Records Coordinator at 916 263-8111**.

## **COMMISSION'S RESPONSE TO PUBLIC RECORDS REQUESTS**

If the records are clearly disclosable, they will be made available as soon as possible. However, in most cases, staff will have to review the records to determine whether all or part may be privileged, confidential, or otherwise exempt from disclosure. Within 10 days from the date the request is received, the Commission will determine whether the request, in whole or in part, seeks copies of disclosable public records in the Commission's possession and notify the requestor of such determination. In unusual circumstances, the 10-day time limit may be extended up to an additional 14 days by written notice to the requestor, setting forth the reason for the time extension. The Commission may request additional information if the request is not specific enough to permit the identification of the requested records. If the Commission determines to comply with the request, the records will be made available as promptly as is reasonably practicable. While the Commission will disclose identifiable and existing records, the Commission is not required to synthesize, manufacture, or summarize records, i.e., develop new records in response to a request.

Your request may be denied if the records you are seeking to inspect are determined to be privileged, confidential or otherwise exempt from disclosure, or are not found in the Commission's possession. You will be notified if a determination is made to deny your request.

## **REQUESTS TO VIEW PUBLIC RECORDS**

Public records may be reviewed at Commission's office during regular office hours, which are generally weekdays from 8:00 a.m. to 5:00 p.m., excluding holidays. Persons interested in viewing public records are encouraged to make an appointment in advance. Appointments can be made by contacting the **Public Records Coordinator at 916-263-8111**. Please be aware that the Public Records Act does not provide a right for the public to enter or inspect Commission offices or files.

Appointments are not mandatory, but they will help Commission staff facilitate the request. If you have made an appointment, please arrive at the Commission's office at your appointment time. You will be directed to a designated area of the office, where the requested files will be available for your review. Failure to make an appointment in advance may result in a delay while the records are located and reviewed.

**Please be aware that it is a crime to steal, remove, destroy, mutilate, deface, alter, or falsify Commission records.** In some cases, Commission staff may be assigned to observe the record review in order to protect the integrity of the record. Your assistance in maintaining the integrity of the Commission's records is appreciated.

### **REQUESTS FOR COPIES OF PUBLIC RECORDS**

The Commission will make copies of records for members of the public upon request. The California Public Records Act provides that copies of records will be made promptly available upon payment of fees that cover the direct costs of duplication.

Members of the public may also pay bonded copy service companies to come to the Commission's office to make copies. If you wish to bring your own copier to the Commission's office, we recommend that you call in advance to make arrangements.

A public record that is not exempt from disclosure that is in an electronic format will be made available in an electronic format, if requested, but only if it does not jeopardize the security or integrity of the record or any proprietary software. The requestor will be charged the cost of producing an electronic copy of the record.

### **YOU MAY CHALLENGE THE COMMISSION'S DETERMINATION NOT TO DISCLOSE RECORDS**

Under the California Public Records Act any person may seek injunctive or declarative relief in any court of competent jurisdiction to enforce the right to inspect or to receive a copy of any public record.

These guidelines are to be posted in a conspicuous public place at the office of the Commission. They are available free of charge to any person who requests them. These guidelines are also available on the Commission's website ([www.cgcc.ca.gov](http://www.cgcc.ca.gov)).